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SUBJECT: BOSNIA - THE PERILOUS POLITICS OF RECALL
INITIATIVES

¶11. (SBU) SUMMARY: Since the October 2006 elections, eight Bosnian municipal councils, mainly in the Eastern portion of Republika Srpska (RS), have begun initiatives to remove their mayors. Though recall is ostensibly a tool for holding accountable a mayor who does not perform his/her duties, politics, not good governance, has driven all eight recall initiatives. RS PM Milorad Dodik's party has launched most of them and their targets have been almost exclusively other RS-based parties. Not all have been successful. Regardless, their impact on the local political environment is often poisonous and distracts local officials from the business of governing. The trend is disturbing, and while some local politicians see the danger, it is unclear whether any party will make a serious attempt to amend entity and state level laws to rein in the potential for recall abuse. In our judgment, the greatest danger lies recall initiatives becoming tools for ethnically-based power struggles. END SUMMARY

Recall - How It Works

¶12. (SBU) Each of Bosnia's 142 municipalities (79 in the Federation, 62 in Republika Srpska and Brcko District) are governed by a directly-elected mayor and a municipal council.

Bosnia's state-level election law sets out overarching rules and regulations for mayoral and assembly elections (e.g., eligibility for office, oversight by the Central Election Commission, campaign finance). However, entity-level election laws and laws on local self-government provide mechanisms for removing a mayor prior to expiration of his/her mandate if he/she does not perform his/her duties in accordance with the law or does not implement the decisions of the municipal assembly. Though not identical, these laws are broadly similar for the Federation and Republika Srpska.

¶13. (SBU) A recall motion may be initiated in one of two ways: 1) by a motion from one-third of municipal councilors, or 2) by voters directly via petition to the municipal council.

The petition must include the signatures of 10 percent of voters registered in the municipality. If a majority of municipal councilors approves the recall motion, then a recall referendum must be scheduled within 30 days. A simple majority of voters casting ballots in favor of recall is sufficient for the referendum to pass and to terminate the mayor's mandate. There are no minimum turnout requirements. The Central Election Commission (CEC) must certify the results, however. Elections must be held for a new mayor

within 60 days of a successful recall referendum. The recalled mayor may stand as a candidate.

Politics, Not Performance, Behind Recent Recall Motions

¶4. (SBU) Although recall was intended as a tool for municipal councils and voters to hold mayors accountable for their performance in office, good governance and democratic accountability have not driven any of the eight recall initiatives since the October 2006 national elections. Seven of these have occurred in RS (most in the Eastern RS) and one in the Federation. RS Prime Minister Milorad Dodik's Alliance of Independent Social Democrats (SNSD) has been the driving force behind five of the seven recalls in the RS. The targets have been Serb Democratic Party (SDS) mayors in Cajnice, Celinac, and Lopare, the Socialist Party (SP) mayor of Foca, the Party for Democratic Action (SDA) mayor of Osmaci, and the dissident SNSD mayor of Vlasenica. Most independent observers believe SNSD is seeking to take advantage of the electoral momentum from its sweeping victories in 2006 entity and state level elections to strengthen its political position in the Eastern RS.

¶5. (SBU) SNSD has had to rely on support from other political parties to push recall motions through local assemblies, however; and these coalitions have varied from municipality to municipality with local rather than state-level considerations driving them. For example, though Foca's SP mayor was the target of an SNSD-led recall, the SP supported SNSD's recall motion against the SDS in Celinac. SDA, an SNSD victim in Osmaci, supported the Foca recall motion. In addition to the SNSD, SDS and the Serb Radical Party (SRS) launched a recall initiative in the RS that targeted the SDA

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mayor of Srebrenica, Abdurahman Malkic (Note: SDS and SRS launched their Srebrenica initiative in December 2006, well before the recent International Court of Justice-inspired events there. It never came to a vote. End Note.) The Federation's sole recall initiative was led by SDA against one of its own mayors in Bosanska Krupa (near Bihac).

Not All Ends Well

¶6. (SBU) The rush to recall started in Osmaci in October 2006, where a previously divided Bosnian Serb majority municipal council (11 councilors in six different parties) united behind SNSD to pass a recall motion against the Bosniak SDA mayor, Edin Ramic. Though turnout for the subsequent recall referendum was low, only 30 percent, it passed with 90 percent support. One month later, the SNSD candidate won the election to replace Ramic. (Note: Under the new passive voter registration system, voters are automatically registered to vote in the municipality where they collect benefits, and absentee balloting required complicated pre-registration. Many Bosniak returnees to the RS and most Bosniaks displaced from the RS are registered in the Federation. Consequently Ramic's base of support was significantly eroded. This is unlikely to have impacted the outcome, however, given the surge of Bosnian Serb support for SNSD. End Note.) SNSD's success in Osmaci may well have encouraged the subsequent recall initiatives.

¶7. (SBU) SNSD's recall effort in Cajnice has started off well (from SNSD's perspective), with 70 percent voters supporting the referendum to recall the municipality's SDS mayor, but the Central Election Commission (CEC) has yet to certify the results. Elsewhere, recall referenda have run into trouble. The referendum passed in Vlasenica, but the CEC found that voting materials for absentee voters were sent out late. Since the referendum passed by only 307 votes, less than the number of registered absentee voters, the CEC instructed the municipal authorities to repeat the voting for this category of voters. The CEC is likely to issue a similar ruling in

Foca, where the ousted mayor lost by just 149 votes and alleges a similar mishandling of absentee ballots. The referendum prompted by SDA internal bickering in Bosanska Krupa failed. The recall initiative in Lopare failed altogether and never reached the referendum stage, just as in Srebrenica (see paragraph five above).

Comment - Damage is Still Done

¶8. (SBU) Recall initiatives are legal in Bosnia, so there is, in principle, nothing wrong with a municipal council exercising its right to remove a mayor. Nonetheless, recall initiatives tend to poison the local political environment and distract mayors and municipal councils from the task of governance. If there are serious grounds for recall, such as corruption, then this is a price worth paying. Unfortunately, high-minded concern for democratic governance has not been the driving force behind Bosnia's nine recall initiatives. The absence of voter-led recall initiatives only underscores this point. It is encouraging that the CEC has been effective in its oversight role and, errors in managing absentee ballots notwithstanding, that there has been no significant fraud. Some politicians in the RS, such as Banja Luka's SNSD Mayor Dragoljub Davidovic, have suggested the need to curb recalls, by requiring two-thirds of a municipal council to pass a recall motion and/or requiring the council to disband if the referendum fails. It seems unlikely, however, that the parties in power will muster the political will for such changes before they have recalled the mayors they deem vulnerable. The failure of referenda in Vlasenica and Foca, following eventual repetition of absentee voting, could mean the recall fad will fade. We hope so, since the current recall trend with its endless election cycle is not healthy.

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